

REMARKS

Claims 1-16 are pending in the Application. Claims 3-4 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5-12 are allowed. Claims 1-2 and 13-14 are rejected under 35 U.S.C. §103(a).

Applicants cancelled claims 1-2 and 13-14 without prejudice or disclaimer. Hence, claims 3-12 and 15-16 are pending. Applicants reserve the right to file a continuation application to capture the subject matter of cancelled claims 1-2 and 13-14.

Applicants amended claims 3 and 15 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consequently, Applicants assert that claims 3-12 and 15-16 are allowable. Applicants respectfully request the Examiner to issue a notice of allowance allowing claims 3-12 and 15-16.

Applicants note that claims 3 and 15 were not amended to overcome prior art but to be written in independent form. Hence, the amendments made to claims 3 and 15 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 3 and 15. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 3 and 15 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As a result of the foregoing, it is asserted by Applicants that claims 3-12 and 15-16 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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